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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,162	02/12/2002	Brian N. Tufte	1076.1101103	6734
28075	7590	02/23/2004	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,162	Applicant(s) TUFTE, BRIAN N.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 16-21, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 7 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0503, 0803, 1203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the Amendment after Final filed January 14, 2004.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. The indicated allowability of claims 8 and 23 are withdrawn in view of Zou et al. (USPT 6,186,649 B1) and Sugiyama et al. (USPT 6,278,827 B1). Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 8-11, 16-19, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou et al. (USPT 6,186,649 B1) in view of Sugiyama et al. (USPT 6,278,827 B1).

Re claims 1, 9-11, and 16: Zou teaches a lighting apparatus for receiving an elongated light source (254 in Fig. 8) having an elongated member including a first material (256 in Fig. 8) and a second material (258 in Fig. 8), the first material being at least semi-transparent (col. 8, line 42-43) and the second material being substantially non-transparent (col. 8, lines 44-46 and col. 7, lines 35-43), the elongated member having a cavity (264 in Fig. 8) for receiving the elongated

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light source (252), the cavity being at least partially defined by at least a portion of the first material (the cavity 264 partially defined by the first material 256) that extends from the cavity to an outer surface of the elongated member for receiving the elongated member. Zou is silent with regard to a monolithic elongated member including a first material and a second material and a method of making the monolithic elongated material by co-extruding. However, Sugiyama teaches a lighting apparatus and its manufacturing process by using a multi-material extrusion molding machine (col. 23, line 45++). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ multi-material extrusion molding machine as suggested by Sugiyama in order to make Zou's monolithic elongated member because co-extruding is a known method, and employing multi-material extrusion molding machine is within the level of ordinary skill in the art.

Re claims 2 and 17: Zou discloses the cavity (264) is at least partially defined by at least a portion of the second material (258 in Fig. 8).

Re claims 3-4 and 18-19: Zou discloses that the second material (258) is at least partially reflective (col. 8, lines 44-46).

Re claims 6 and 21: Zou discloses that a surface is shaped as a lens (424 in Fig. 12).

Re claims 8 and 23: Zou discloses that the portion of the first material (256 in Fig. 8) that at least partially defines the cavity (264) extends to two or more separate outer surface (see the two end portions of 256 in Fig. 8) regions of the elongated member, wherein at least part of the outer surface between the two or more separate regions is substantially non-transparent [the outer surface of 256 may be non-transparent (col. 8, line 42)].

6. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou.

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Re claims 5 and 20: Although Zou does not disclose that the surface is parabolic in shape.

However, Zou teaches that the external enclosure can have any cross-sectional shape including circular, elliptical, oval, etc. (col. 7, line 3). Zou's elliptical shape were art-recognized equivalent at the time the invention was made, one of ordinary skill in the art would have been found it obvious to substitute parabolic shape.

7. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou in view of Daniel (USPT 4,234,907) and Feldman et al. (USPT 5,753,381).

Re claims 12 and 24: Although Zou does not disclose that the light source is a linear emitting fiber or glow-in-the-dark material. However, Zou discloses that the linear light source can be any source that emits light (col. 4, lines 57-59). Further, Daniel and Feldman teach a linear emitting fiber and glow-in-the-dark material as a light source. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Zou's light source with Daniel's linear emitting fiber or Feldman's glow-in-the-dark material because the linear emitting fiber or glow-in-the-dark material could be used as a linear light source.

Allowable Subject Matter

8. Claims 13-15 and 26 are allowed.

9. Claims 7 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

Although Zou discloses a cavity, Zou fails to disclose that at least one of the first elongated piece and the second elongated piece having an elongated slit along at least part of its length that extends between the cavity and the exterior of the lighting apparatus, the slit adapted to facilitate insertion and/or extraction of the elongated light source into/from the cavity along a length of the lighting apparatus, as set forth in the claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is (571) 272-2374. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (571) 272-2378. The fax phone number for this Group is (703) 872-9306. The Right Fax phone number for the examiner is (571) 273-2374.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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02/05/2004



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800